

Session 15-09, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:34 p.m. on June 3, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, BRADLEY, STEAD, STROOZAS,
AND VENUTI

STAFF: CITY PLANNER ABBODD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead requested a motion to approve the agenda.

HIGHLAND/BRADLEY - SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There was no public comment.

RECONSIDERATION

No items were scheduled for reconsideration.

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of the minutes of May 20, 2015 meeting

Chair Stead requested a motion to approve the consent agenda.

HIGHLAND/BRADLEY - SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

There were no presentations scheduled.

REPORTS

A. Staff Report PL 15-39, City Planner's Report

City Planner Abboud provided a summary of his report. He noted the following:

- City Council has introduced and scheduled for second reading on June 15th the ordinance to purchase the 40 acre parcel containing tributaries to Bridge Creek.
- Due to Quorum issues Council meetings for June were rescheduled to June 15th and 29th
- The 1 acre requirement was removed.
- Submittal of the Site Development Standards recommendations will be submitted to Council if the commission approves.
- Commissioner Stead and Highland have requested reappointment to the commission.
- The Hodnik Preliminary Plat was postponed at the May 26th Borough Plat meeting.
- The Lease Committee is recommending negotiations for a 120 foot tower on the spit there were two proposals received and until awarded the commission will have to wait to be advised who will be awarded the contract.
- City Council had requested the commission expand the GC1 land in the city. This will be before the commission at the June 17th meeting. Statistical analysis for review that included types of structures and uses, land vacancy and availability will be provided as well as activities that are unique to GC1. There is growth in trades, shop space, laydown yards. Commissioners were asked to review their current zoning maps and Comprehensive Plans.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 15-40, Petition to Vacate Willow Drive Right of Way at Mission Road

Chair Stead introduced the item into the record. City Planner Abboud provided his report. Chair Stead opened the Public Hearing for testimony.

Bonnie Boisvert, city resident, read a letter submitted by Attorney Michael Hough representing property owners within 500 feet of the action requested. Mr. Hough recommended against approval of the vacation of the subject right of way due for several reasons: the importance of being an alternate access for residents of Mission Road; water springs located under Willow Drive, location of utility easement and utility pedestals; there are covenants in place; there is not sufficient enough reason for eliminating the property rights of others including the public; the applicants are the only party benefitting from the action; this same action was before the commission and denied and there is no change in circumstances to warrant reconsideration of the denial; the appearance that the Borough may deny this second duplicative application since elimination of Willow Drive as a through street does not result or allow for equal or superior access being available.

Nickolas Botkin, petitioner/applicant, testified that the request to vacate the right of way was attempted last year and there were concerns based on the conditions of the road at that time. Since then the city has improved the road and now there is opposition based on the potential for it to be an escape route. Mr. Botkin stated that he was requesting the vacation based on the extreme safety factor regarding limited to no sight lines at the intersection, icy road conditions during the winter compounded by the steepness of the road. He stated that Willow Drive is not suitable and should not be used as a shortcut or escape route. He also stated that there are several young children in that area and he has only noticed a few students and others use Willow Drive. Mr. Botkin stated that the city cannot maintain the road because of the steepness.

Russ Humbyrd, resident, has lived on Willow Drive for 19 years stated that Mr. Botkin speeds down the road like a teenager and one of his neighbors is putting in a peony farm and there is talk about putting

in a B & B at the end of the road and if they are worried about traffic then you don't go adding more businesses. He added that there are kids and Mr. Botkin needs to slow down and he will gain a substantial amount of land if this goes through there are covenants in place and they have filled some of the land down there.

Irene Clark, resident, 26 years on Mission Road, she uses Willow Drive to walk to her mailbox safely. She has worked at the High School for 19 years and has had to use Willow Drive to get to work as she could not get up the hill to the intersection of East Hill and Mission, she recalled several times the school bus has had to use Willow Drive because the Mission Rd East Hill intersection was too icy and they could not get up there. Ms. Clark stated that Mission Road is a dead end and if they had a fire or earthquake and could not use the East Hill intersection they would be trapped, Willow Drive provides and alternate access to them.

Ray Sinclair, resident, Willow Drive, concerned about the steepness of Willow and Mission, you cannot see oncoming traffic, he recognized that they were leaving a 40 foot public use easement which is good but he suggested leaving it like it is and putting in posts that would allow for and 8 foot emergency egress. He viewed that there is more traffic that uses that road than should and that limiting the use if it was a good idea.

Malcolm Gaylord, resident, Willow Drive, owns several lots that would be in the proposed cul de sac and his concern is the safety, he cited concerns for the children and the limited sight distances for vehicles because of the steep intersection.

Christopher Pryor, resident, has lived on Mission Road, commented on the safety issues regarding the steep bank or grade and there is very limited sight for traffic turning onto Willow and onto Mission Road from East Hill. The roads were not maintained over the winter and he could not access the intersection of Willow and Mission because of ice and how steep the road was.

Kris Botkin, resident, has a son and expressed concern regarding the access and egress, safety for the kids, believed it to be a financially smart move since the city will not have to maintain this intersection.

Kristen Wertanan, resident, Willow Drive for the past year, she has viewed residents have difficulty with the intersection of Mission Rd and Willow Drive. She has viewed numerous vehicles speeding down Willow who do not live on the road.

Chair Stead closed the public hearing and requested a motion.

HIGHLAND/BOS - MOVED TO ADOPT STAFF REPORT PL 15-40 VACATION OF ROW AND DEDICATION OF A PUBLIC USE EASEMENT OF THE NORTHERN 200' OF WILLOW DRIVE.

Staff responded to Commissioner Highland that there was nothing in code to prohibit another application to request vacation of the right of way since it never made it to the Borough the first time.

Commissioner Bos informed the commission that he visited the area and reported the extreme steepness of the intersection and questioned how any vehicles without enough speed behind them would make it up that intersection and that it was extremely difficult to see approaching vehicles from East Hill.

Commissioner Stroozas stated that when looking at health, safety and welfare which is what this boils down to and Commissioner Bos' recent personal experience seems to substantiate those issues.

Chair Stead declared opinionated comments from the audience as out of order.

Chair Stead offered that the City has not provided a superior level of access and has denied access to this road by taking this action and has difficulty approving the vacation.

Commissioner Venuti agreed with the Chair and added a comment regarding the animosity displayed between the property owners present.

Commissioner Highland requested if they can ask questions of the applicant, it was determined by the Chair with input from Staff that it was appropriate.

Commissioner Highland asked if there was any way to make the intersection safer and remove the steepness to add visual sight lines and if that would be an option.

Carey Meyer, Public Works Director/City Engineer, responded that the quick answer is yes, you can throw enough money at any problem to correct it. The long answer is the road design criteria required filling approximately 40 feet to create a flatter approach and creating a landing zone at that intersection, road grades are to be limited to less than 10% which would make access to the adjacent properties very difficult. How far down Mission Road that would have to go to extend would be several hundred feet and be extremely costly.

Mr. Meyer stated that the grade is in excess of 15% on that road and the city tries to keep the grades at 6% noting it can go higher but still requires the landing zone at the intersection, he further added that Mission Road did not make the appropriate grade either on the approach to East Hill Road.

Mr. Meyer added that if the subdivision was brought before the commission today it would not be approved, it might have been the best designed at the time but not today. He further responded that the whole length of Mission Road has been improved and in his opinion was a really nice gravel road compared to last year. He will not certify it as bulletproof but believes that the approach to East Hill will be much more dependable.

City Planner Abboud answered that if this action is approved by commission the borough may approve it, but if the commission did not approve the action he did not feel that it would get approval at the Borough level.

Commissioner Highland inquired if Commissioner Stead and Venuti's minds were changed by the safety concerns and responses from Mr. Meyer. Commissioner Stead responded it had not changed his opinions. Commissioner Venuti indicated his had not changed either.

Mr. Meyer then answered questions from Commissioner Stroozas regarding:

- if the vacation was approved and the pedestrian and emergency access provided it would provide some redress to the apparent safety issues however it may not accommodate all the fire vehicles

Chair Stead reiterated that the intersection was still not superior access and he could not approve taking away a right of way for something that is not superior access even for an unsafe intersection, that the city has numerous unsafe intersections.

Mr. Meyer provided further testimony on the vacation will solve the problems for the city in having to maintain that intersection since they cannot safely use the grader to maintain that road.

Commissioner Erickson commented on the abnormal winters and recommended the property owners on Willow install signage stating Children at Play.

Commissioner Bradley reported that she visited that area today and cannot understand why anyone would want to live up there in the winter, even if they have four wheel drive, she cannot picture how a school bus navigates Willow Drive.

Commissioner Venuti reminded everyone that this leaves the commission and goes to City Council and if the party does not prevail they can appeal to the City Council too. So he believes that they are at a point they can take action on this now.

Chair Stead called for a roll call vote.

VOTE. YES. STROOZAS, BOS, BRADLEY, HIGHLAND
NO. VENUTI, STEAD, ERICKSON

Motion carried.

B. Staff Report PL 15-41, Towers Ordinance

Chair Stead introduced the item into the record. City Planner Abboud reviewed his report and commented on the appropriate sized area needed for a fall zone for a 120 foot tower, he noted technical issues that were provided in the laydown materials and advised the commission that it deserved consideration and review by the commission.

Commissioner Erickson recommended that they review the information with Staff comments at a worksession or next meeting.

Commissioner Highland asked about the tower that is to be placed on the end of the spit.

Commissioner Erickson left the table at 8:37 pm. Chair Stead called for a brief recess. The meeting was called back to order at 7:44 pm.

City Planner Abboud responding to Commissioner Highland that the City has made a recommendation for a proposal to construct a 120 foot tower on a lot but it is not 1:1, there are many issues, but there has to be some way to be prudent. City Planner Abboud stated that they may not find the lot that works. It is not often, it is more that something falls off the tower than the tower falling, not sure how they would accomplish their goals with this.

Commissioner Erickson noted that breaking points within the height of the tower to alleviate the need for the space can be incorporated into towers. City Planner Abboud stated that it would be good to talk with someone about that technology and there is a possibility that that may work.

Chair Stead opened the public hearing for testimony.

Josh Reynolds, Chief Information Officer for SpitwSpots, a fixed wireless provider located in Homer, our view after reading the submitted materials SpitwSpots comments and recommendations would be virtually the same. Mr. Reynolds stated that it was apparent that the commission's intent is to establish and make concrete guidelines and terminology definitions and it has kind of veered into safety and visual impact. If you look at what this ordinance is going to make happen though is instead of having one - three towers in large height that makes visual impact and what this ordinance will do is create more towers, because they are not allowed to have the appropriate height or location due to the 1:1 requirement. This ordinance will accomplish what the commission is actually trying to prevent. He stated that there is language that has already been brought down in Federal Court, SpitwSpots is not going to take it up with the City but if AT&T, Verizon or another larger company requires a tower they will take it up with the city and make it a legal battle. If you to make the limit 40 feet then you can only use the top of the tower therefore if you have 5 companies needing a tower instead of co-location you end up with 5 towers.

Chair Stead closed the public hearing and asked for a motion to adopt Staff Report PL 15-41

Commissioner Highland requested clarification on motion content. City Planner Abboud responded that she could move to adopt the Staff Report.

HIGHLAND/BOS - MOVED TO ADOPT STAFF REPORT PL 15-41, TOWERS ORDINANCE AND POSTPONE THE PUBLIC HEARING TO BRING IT BACK FOR REVISIONS.

Discussion on requesting information from professionals in the field for the next review of the commission so that the commission can make informed decisions on possible revisions to the draft ordinance. Discussion also included seeing more than two comments on this and input from the industry professionals would be added value, he further stated that most of Homer is a view shed and he would like to see some requirement for blending into nature.

Commissioner Highland asked about amending line 147-148 on page 33 of the packet to add “ice” since that would be a big deal here. Staff can add that note and make the motion at the next meeting.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead clarified that the Staff Report has been adopted and the commission will see the ordinance again with minor revisions at the next meeting, with more public comment.

C. Staff Report PL 15-42, Site Development Standards

Chair Stead read the title into the record. City Planner Abboud read his report.

Chair Stead opened the public hearing for comment. Seeing no public present the public hearing was closed.

BOS/ERICKSON - MOVED TO ADOPT DRAFT ORDINANCE 15-08, SITE DEVELOPMENT STANDARDS AND FORWARD TO CITY COUNCIL FOR PUBLIC HEARING.

Commissioner Highland noted line 11, space needed between words “BY” and “AUGUST” and a comma was needed in line 32 after the word “months”.

Commissioner Venuti, questioned line 36, requesting clarification for “other means” once clarification was provided then it was discussed that it does not allow time for the developer to re-vegetate since the ordinance states that it must be re-vegetated by native or other means. Commissioner Erickson pointed out the use of the word “that” in line 34 before nine month period provides definition of the period allowed for a cleared area to be re-vegetated. There was a brief discussion on the enforcement of the area being re-vegetated in the 9 month time period.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT

Motion carried

PLAT CONSIDERATION

There were no plat considerations.

PENDING BUSINESS

A. Staff Report PL 15-43, Waddell Way

Chair Stead read the title into the record. City Planner Abboud reviewed his report and requested recommendations from the commission.

ERICKSON/BOS - MOVED TO ADOPT OPTION A

Staff did not feel that it was appropriate at this time without public input. The commission was concerned that they wanted to discuss the project.

Commissioner Erickson wished to withdraw her motion. Chair Stead did not think that was allowed at this point. The commission requested a assistance from Deputy City Clerk Krause who confirmed that the maker of the motion could withdraw the motion with consent.

The motion was withdrawn by consensus of the Commission. There was brief discussion by the commission on what they wished to do.

HIGHLAND/BOS - MOVED TO DISCUSS STAFF REPORT PL 15-43, WADDELL WAY ROAD PROJECT

Discussion by the commission ensued on how to best proceed with the project. Points noted were:

- Support for Option A with concern expressed on HEA access such as short distance from the intersection of the new road and Heath Street
- There is public support for the creation of this connecting roadway
- Reduced curves, well lit intersections, preference for wide shoulders on each side of the road and a sidewalk
- Incorporate right hand turn lanes at intersections with Lake Street
- Recommended placing HEA access off of the proposed new road not Heath Street offer driveway permit as incentive
- Naming of street to Goldmine Way or Lane or continue "Grubstake" across Heath Street
- Bike design Level 4 if first choice, then Level 2

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

There was none.

INFORMATIONAL MATERIALS

A. City Manager's Report from May 26, 2015 City Council Meeting

There was no discussion.

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There was no audience present.

COMMENTS OF STAFF

City Planner Abboud commented on the dire financial condition of the city and that the planning staff will be reduced by one member, it is actually a position, based on seniority. The department can absorb quite a bit, there will be things that rise to the top and the department will focus on the most important things, the staff member luckily will be able to transfer over so they don't get laid off.

Deputy City Clerk Krause had no comments.

COMMENTS OF THE COMMISSION

Commissioner Highland spoke about the wind energy discussion she would like the commission to have and has brought the issue up with Mr. Abboud, they should be seeing something, maybe in the future.

Commissioner Bradley thanked the commission.

Commissioner Erickson apologized for leaving the meeting abruptly, she is on call and will be getting another staff person and will not have to carry extra phones after this weekend. It was a good meeting, very interesting, hard to make those difficult decisions with two opposing viewpoints, lot of them friends, it was not easy.

Commissioner Bos thought it was a good meeting tonight thought Commissioner Venuti's comment to the audience was fantastic and perfect, he could not have said that; congratulations to Commissioner Highland and Chair Stead for signing up for a few more years. They seem to be cruising through things now and getting others done. He thanked the staff and all they do and will be doing short staffed. He noted that Fish and Games employees are being cut almost 60% and our state resources will have to manage with half the staff.

Commissioner Venuti good meeting and the other day he drove up to a project up in the Bridge Creek Watershed and all their efforts in that area he noticed that the roads had had calcium chloride spread all over them so it appears they are going in the opposite direction. He was sure how they could solve that. He was going to have Jim Hornaday stop by with his ukulele but he was booked. Happy Birthday Chair Stead.

Commissioner Stroozas wished Chair Stead Happy Birthday and announced the following items: the 4th of July parade will be on Saturday, July 4th, the Chamber is heading it up and the theme for this year is Pioneer Time - a Salute to Our Heritage. Rumor has it that Norman Lowell will be the Grand Marshal this year and he will have his family in the car. They are fully staffed at the Chamber now they hired Jan Knutsen as Chamber Visitor Information Center and Events Coordinator and the Garden Club of Homer will have their Annual Plant Sale on this Saturday, June 6th at 11:00 a.m. in the chamber parking lot.

Chair Stead announced the next meeting date and worksession, he thought they did well today, appreciated all the support and well wishes.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:48 p.m. The next regular meeting is scheduled for WEDNESDAY, JUNE 17, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

Renee Krause, CMC, Deputy City Clerk

Approved: _____